

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

In the Matter of the Application of the CITY OF RICHMOND for an order preserving the wigwag warning devices at the Richmond Avenue Crossing in the City of Richmond, Contra Costa County, California.

Application 02-05-065  
(Filed May 31, 2002)

**ADMINISTRATIVE LAW JUDGE'S RULING  
SETTING PREHEARING CONFERENCE AND REQUESTING  
PREHEARING CONFERENCE STATEMENTS**

**Prehearing Conference**

A prehearing conference (PHC) is set as follows:

**Wednesday, September 11, 2002**

**10:00 a.m.**

**Commission Courtroom**

**505 Van Ness Avenue**

**San Francisco, CA 94102**

**Prehearing Conference Statements**

Parties should file and serve brief (no more than 10 pages) statements outlining their positions on these issues:

- the Commission's jurisdiction over this application;
- compliance with the California Environmental Quality Act, Pub. Res. Code § 21000 *et seq.*;
- those issues that can be resolved without an evidentiary hearing (EH);
- those issues that will require an EH;

- a proposed schedule for this proceeding if EHs are required. (Note that, pursuant to Pub. Util. Code § 1701.2, a case categorized as an adjudication must be completed within 12 months of the filing of the application.)

With their statements, the parties should include the following attachments:

City of Richmond:

- a copy of the City Council resolution adding the wigwag devices to the City's historic register;
- copies of all applications for City approvals submitted by Burlington Northern and Santa Fe Railway Company (BNSF) for work at the Richmond Avenue Crossing;
- a copy of the stop-work order issued to BNSF in January 2002.

BNSF:

- a copy of the current plans for the work at the Richmond Avenue Crossing, showing what work has been completed and what remains to be done;
- a copy of the December 1999 "Notice to Proceed" from CalTrans;
- copies of all approvals received from the City of Richmond for work at the Richmond Avenue Crossing.

**Filing and Service**

A temporary service list is attached to this Ruling. All parties are to use this temporary list until a formal service list is established at the PHC.

PHC statements, including attachments, must be filed and served no later than Friday, September 6, 2002. For purposes of this Ruling, the documents must

be *received* by all persons on the temporary service list by no later than Friday, September 6.

**IT IS RULED** that:

1. A prehearing conference (PHC) is scheduled for Wednesday, September 11, 2002 at 10:00 a.m. in the Commission Courtroom, State Office Building, 505 Van Ness Avenue, San Francisco.
2. All parties must file and serve PHC statements as set forth above no later than Friday, September 6, 2002.

Dated August 5, 2002, at San Francisco, California.

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/s/ ANNE E. SIMON  
Anne E. Simon  
Administrative Law Judge

## **CERTIFICATE OF SERVICE**

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Setting Prehearing Conference And Requesting Prehearing Conference Statements on all parties of record in this proceeding or their attorneys of record.

Dated August 5, 2002, at San Francisco, California.

/s/ JEANNIE CHANG  
Jeannie Chang

## **N O T I C E**

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

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The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.

